

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Government of Turkmenistan and has the honor to refer to earlier discussions between representatives of the two governments regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, related training, and other defense services from the United States of America to the Government of Turkmenistan.

In accordance with these discussions, it is proposed that the Government of Turkmenistan agree:

A. That the Government of Turkmenistan shall not, unless the consent of the Government of the United States of America has been first obtained:

(i) permit any use of any such defense article or related training or other defense service by anyone not an officer, employee, or agent of the Government of Turkmenistan;

2
(ii) transfer or permit any officer, employee, or agent of the Government of Turkmenistan to transfer such articles or related training or other defense services by gift, sale, or otherwise; or

(iii) use or permit the use of such articles or related training or other defense services for purposes other than those for which provided;

B. That said articles or related training or defense services shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were furnished, unless the Government of the United States of America consents to another disposition;

C. That the net proceeds of sale received by the Government of Turkmenistan in disposing of, with prior written consent of the Government of the United States of America, any defense article furnished by the Government of the United States of America on a grant basis, including scrap from any such defense article, shall be paid to the Government of the United States of America;

D. That the Government of Turkmenistan shall maintain the security of such articles, related training, and other defense services; that it shall

3

provide substantially the same degree of security protection afforded to such articles or related training or other defense services by the Government of the United States of America; that it shall, as the United States may require, permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the Government of Turkmenistan; and

E. That the government of the United States of America may also from time to time make the provision of other defense articles, related training and other defense services furnished under other authority except the United States Arms Export Control Act) subject to the terms and conditions of this agreement. (Transfers under the United States Arms Export Control Act shall continue to be governed by the requirements of that Act and United States regulations applicable to such transfers.)

The Ministry's reply stating that the foregoing is acceptable to the Government of Turkmenistan shall, together with this note,

constitute an agreement between the two Governments, which shall enter into force on the date of the Ministry's reply.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Government of Turkmenistan the assurances of its highest consideration.

Embassy of the United States of America

Ashgabat, April 5, 1999



Unofficial Translation

The Ministry of Foreign Affairs of Turkmenistan presents its compliments to the *Embassy of the United States of America*, and, referring to the Embassy's note 142/99 of April 5, 1999, has the honor to confirm that the proposals presented in the above-mentioned note are acceptable to the Government of Turkmenistan, and that the Embassy's note and this response note constitute the conclusion of an agreement between the two governments, which enters into force as of today's date.

The Ministry of Foreign Affairs of Turkmenistan avails itself of this opportunity to assure the Embassy of the United States of its highest consideration.

Ashgabad, April 24, 1999